

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: Buffalo Field Office

DNA #: WY-070-DNA11-207

Casefile Number: 4907517

Proposed Action Title/Type: Larey Draw Allotment Grazing Lease Transfer and Issuance

Location of Proposed Action: T.54N, R. 75W Sec.5: Lot 1, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$, Sec.6: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec.7: NE $\frac{1}{4}$, Sec.8: N $\frac{1}{2}$, Sec.9: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, Sec.10: NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.15: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$; T.55N, R.75W Sec.34: SE $\frac{1}{4}$ SW $\frac{1}{4}$.
(See attached map)

Applicant: Shawn Burtenshaw

A. Description of the Proposed Action: The proposed action is for the BLM to transfer grazing privileges from Clifford L. Smith to Shawn Burtenshaw, and to issue a new 3-year term grazing lease to Shawn Burtenshaw for the Larey Draw Allotment (02301). There are no modifications to the current terms and conditions outlined in the existing lease held by Clifford L. Smith. Burtenshaw leases the base property from the landowner. The 3-year term of the proposed lease coincides with the terms of the lease agreement between the landowner and this lessee. The terms of the proposed lease are as follows:

Allotment	Number & Kind	Grazing Period	% Public Land	Type Use	AUMs
Larey Draw (2301)	146 Cattle	03/01 to 02/28	22	Active	385

B. Conformance with the Land Use Plan (LUP) and Related Implementation Plans

LUP Name	<u>Buffalo Resource Management Plan</u>	Date Approved: <u>Oct 1985</u>
Other document	<u>Buffalo RMP Amendments</u>	Date Approved: <u>2001 and 2003</u>
	<u>DOI Secretarial Order No.3310</u>	Date Approved: <u>Dec 2010</u>

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

1985 RMP: *GM-4: Manage "C" Category allotments as described below. Continue current authorized livestock use. Livestock kinds and numbers and the period of use will be authorized as at present for each individual lease.*

2001 Amendment: Pg. 18: *Livestock grazing is allowed on all public lands in the resource area except on about 6,000 acres where it has been determined to be incompatible with other resource uses or values.*

2003 Amendment: Pg. 8 and Appendix E provide for: *supporting measures to protect BLM recognized sensitive species (here sage-grouse). Areas, such as those seeded, will receive an intensive cultural inventory prior to disturbance. Vegetation herbicide treatments of invasive species, cheatgrass, requires a PUP (pesticide use proposal) approved by the BLM WY state office.*

DOI Order No.3310: *The public lands in the allotment are lacking in wilderness characteristics due to their small size (under 5,000 acres).*

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

- WY-070-EA08-096, Grazing Lease Renewal: Cates Draw Allotment, Fowler Draw Allotment; Grazing Lease Transfer: Larey Draw Allotment. FONSI/DR signed September 11, 2008.
- WY-070-EA05-029, Middle Prong Plan of Development Environmental Assessment. FONSI/DR signed March 25, 2005.

Note: These EAs tier to the 1985 Buffalo RMP and Amendments of 2001 & 2003.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in this existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The Cates Draw, Fowler Draw, and Larey Draw EA analyzed authorizing livestock grazing on the Larey Draw Allotment at the following rate:

Allotment	Number & Kind	Grazing Period	% Public Land	Type Use	AUMs
Larey Draw (2301)	146 Cattle	03/01 to 02/28	22	Active	385

The proposed action would authorize the same number and kind of livestock and season of use analyzed in the EA. This is the same grazing that presently occurs. The proposed action is included in the analysis area.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The EA analyzed a Proposed Action grazing alternative and a No Action alternative which would end livestock grazing on these “C” category allotments. These alternatives are consistent with those used currently. No new environmental concerns, interests, resource values, or circumstances have been revealed since the EA was published in 2008 that would indicate a need for additional alternatives. All oil and gas development that currently exists on the public lands was present at the

time of the previous EA. This coal bed natural gas development is analyzed in the Middle Prong Plan of Development EA listed above.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. With respect to DOI Secretarial Order No.3310, the public lands in the Larey Draw allotment are lacking in wilderness characteristics due to their small size (less than 5,000 acres). The rangeland health assessment standard is consistent and unchanged. The existing analysis includes a number of threatened, endangered, and sensitive species within the boundary of the Larey Draw Allotment. The existing EA analyzes the impacts of grazing in the Larey Draw allotment on threatened & endangered and BLM sensitive species, including greater sage-grouse, sharp-tailed grouse, black-tailed prairie dogs, black-footed ferrets, bald eagles and mountain plover. Greater sage-grouse breeding, nesting, and wintering habitat is present in the allotment; ongoing livestock grazing is not expected to affect use of the area by sage-grouse. The EA also analyzes impacts to big game, additional mammals, and raptors. Grazing has occurred historically in this allotment and these species have continued to flourish. BLM sensitive species that were designated after the publication of the Larey Draw EA include a variety of frog, bat, bird and plant species. Habitat for the majority of these species is not available on public lands in the Larey Draw allotment and there are no known occurrences of threatened or endangered species on this allotment. Newly designated sensitive species expected to occur in the allotment include Baird's sparrow, Brewer's sparrow, loggerhead shrike, sage sparrow, sage thrasher and other migratory bird species, as well as fringed myotis, swift fox, and Townsend's big-eared bat. Livestock grazing may impact individuals or habitat for these species, primarily by the occasional trampling of individuals or nests. However, the effects of ongoing livestock operations as described in the new Proposed Action are not expected to significantly impact these species' populations.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document(s)?

Yes. The direct, indirect, and cumulative effects that would result from implementation of the new proposed action are similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents to which this proposal tiers. The EA describes and analyzes impacts to cultural resources, invasive species, threatened, endangered, and sensitive species, soils, vegetation, wildlife, and range management under both the proposed action and no action alternatives. Multiple resource specialists were consulted in development of the analysis. This is consistent with NEPA and current environmental assessment procedures.

The direct, indirect, and cumulative impacts of livestock grazing in the Larey Draw Allotment are adequately addressed in the EA. There should be no additional effects on vegetation, wildlife, cultural, and other resources, as livestock grazing has occurred historically on this allotment. The EA identified no significant impacts to the site.

The EA describes the existing coal bed natural gas (CBNG) development in the Larey Draw allotment and tiers to the Middle Prong POD EA. Further CBNG development is proposed in the area, but has not been approved. Any impacts from federal mineral development will be addressed in an EA specific to the proposed project. The EA also addresses noxious weed infestation in its cumulative impact statement. Current BLM EA procedures address impacts to Greater Sage-Grouse under cumulative effects, and these are not addressed in the existing EA. However, ongoing livestock operations should not substantially add to these effects.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Livestock grazing throughout the Buffalo Field Office was addressed in both the 1985 RMP and the 2001 RMP Amendment. Development of each of these documents was accompanied by substantial opportunities for public comment and involvement. During preparation of the 2008 EA, interested parties were notified of the NEPA process and had opportunity to participate and comment on the document. A Protest and Appeal period was available for the EA; none were received.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Charlotte Darling	Biological Science Technician	Range/Preparer
Allison Barnes	Outdoor Recreation Planner	Recreation, Wilderness
Julianne Alley	Rangeland Mgmt Specialist	Range, Vegetation
G.L. "Buck" Damone III	Cultural Resource Specialist	Cultural Resources
Jennifer Morton	Wildlife Biologist	Wildlife
Chris Durham	Asst. Field Manager	Resources
John Kelley	Planning & Env. Coordinator	NEPA Planning

Refer to the EA and EIS for a complete list of the original environmental analysis team members.

CONCLUSION

- ☐ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Signature of Project Lead

Signature of NEPA Coordinator

Signature of Responsible Official
Duane Spencer, Field Manager

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Larey Draw Allotment #02301

